

PROCEDURE REFERENCE : FmHA Instruction 2045-GG.

PURPOSE : Indefinite Suspension - Invoking Crime Provision.

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
(Location)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FOR OFFICIAL USE ONLY

Mr. _____
County Supervisor
Farmers Home Administration
Anywhere, Anystate 00000

Dear Mr. _____:

This is a notice of proposal to suspend you from duty without pay for an indefinite period. The reason for your proposed suspension is as follows:

(Use applicable reason, for example,

On December 28, 1990, you were indicted by the Grand Jury of (name of judicial jurisdiction) (Identify the court by its full, official title) on (count) reasons for indictment.) (NOTE: Cite the counts word-for-word as included in the indictment. If numerous counts, state "Copy of indictment enclosed".)

The matters alleged against you resulting in your (insert applicable item, for example, "indictment") relate directly to the question of your continued suitability to remain on duty with the Farmers Home Administration. The Department of Agriculture, Farmers Home Administration, and the public must have confidence and trust in the performance of the duties of

Mr. _____

its employees. Since questions raised by the reason may not be resolved earlier than the time that the legal proceedings are completed, the above proposed action is being contemplated.

Under the circumstances cited herein, it is felt that your being in a duty status would be detrimental to the best interest of the Government. In accordance with 5 USC Section 7513 (b) as cited in the regulations of the Office of Personnel Management (a copy of which is enclosed), it is proposed to suspend you from duty without pay until the outcome of the proceedings resulting from the (insert applicable item, for example, "indictment dated") is known.

You will be allowed seven (7) calendar days from the time you receive this notice to respond personally or in writing, or both personally and in writing, to _____, Deputy Administrator for Management, FmHA, USDA, Room 5007, South Agriculture Building, Washington, D.C. 20250, why you believe this action should not be taken. If you wish to answer personally, you must request a personal conference either with your written answer or separately. A request for a personal conference should be sent to the Deputy Administrator, address above, and you will be notified of the arrangements. It is preferable that you submit a detailed written answer prior to the holding of a personal conference. Full consideration will be given to your written and/or oral reply and any evidence you submit to support your answer. You have a right to be represented by an attorney or other representative of your choice at any stage of this proceeding.**

Consideration will be given to extending the time limit of seven (7) calendar days for you to reply if you submit a written request stating your reasons to Deputy Administrator _____, at the above-cited address or by calling the Chief, Employee Relations Branch, in the National Office, telephone _____, (for commercial, add area code _____).

The material I have relied on to support the reasons in this notice is enclosed. The material consists of the following:

Insert applicable statement, for example:

Grand Jury Indictment No. _____ dated _____.)

This letter is only a proposal to take the above-mentioned action against you. No decision will be made until any written and/or oral answer you submit is considered or after expiration

Mr. _____

of the seven (7) calendar days if you do not answer. If you should be subsequently convicted of the charges specified in the (insert applicable language, for example, "Grand Jury's Indictment"), your removal from employment with the Farmers Home Administration may be proposed while you remain on indefinite suspension.

If you desire any additional information concerning this proposed action, please contact me.

Pending the issuance of a decision in this matter, you will be kept in a nonduty status with pay. As such, you are required to be readily available to respond to your immediate supervisor by telephone, mail and/or in person.

Sincerely,

(Name)
STATE DIRECTOR

Enclosures

* Receipt Acknowledged: _____ Date

(name of employee)

* Use only if delivered in person

** If the State has an exclusive representative (Union) and the employee is included in the bargaining unit be certain to review the labor agreement. Ascertain whether the agreement contains additional requirements, i.e., advise the employee of his/her right to union representation, identify the union steward; furnish two copies of the proposal, etc.

Reference: Part 752, Title 5, Code of Federal Regulations,